

South Dakota Interagency Coordinating Council (ICC)

By-Laws



South Dakota
Department of
Education
2007

By-laws

Article I

Section 1. Name

The name of the organization shall be the **South Dakota Interagency Coordinating Council**.

G:\TA Files\South Dakota\SD-04 SEAP and ICC\SD-04 Documentation\SD-04 ICC By-laws 12-06 ls.doc

Section 2. Authority

The South Dakota Interagency Coordinating Council exists by the Executive Order of the Governor of the State of South Dakota and by the authority of the Individuals with Disabilities Education Act (IDEA), Part C, the Infant and Toddler Program as stated in subpart G, 303.600. The Council will abide by all IDEA regulations. The Lead Agency appointed by the Governor is the Department of Education.

Section 3. Nondiscrimination Statement

It is the policy of the South Dakota Interagency Coordinating Council not to discriminate on the basis of race, color, national origin, gender, disability, religion, creed, age, or marital status in its programs or employment practices.

Article II—Purpose

Section 1. Purpose

The purpose of the South Dakota Interagency Coordinating Council is to **advise and assist** the Lead

Agency working collaboratively with partnering agencies in the coordination, development, and implementation of the policies that constitute the statewide system of early intervention services.

Section 2. Functions

Functions of the South Dakota Interagency Coordinating Council shall include those listed below:

- Advise and assist the Lead Agency in the development and implementation of the policies that constitute a statewide system.
- Assist the Lead Agency in achieving the full participation, coordination, and cooperation of all appropriate public agencies in the State.
- Assist the Lead Agency in the effective implementation of the statewide system by establishing a process that includes 1) seeking information from service providers, service coordinators, parents, and others about any federal, State, or local policies that impede timely service delivery and 2) taking steps to ensure that any policy problems identified under paragraph (a)(3)(I) of CFR 303.650 are resolved.
- To the extent appropriate, assist the Lead Agency in the resolution of disputes.
- Advise and assist the Lead Agency regarding the provision of appropriate services for children aged birth to three inclusive.
- Advise appropriate agencies in South Dakota with respect to the integration of services for infants and toddlers with disabilities and at-risk infants and toddlers and their families

- Reimburse members of the Council for reasonable and necessary expenses for attending Council meetings and performing Council duties (including child care for parent representatives).
- Pay compensation to a member of the Council if the member is not employed or must forfeit wages from other employment when performing official Council business.
- Hire staff or obtain the services of professional, technical, and clerical personnel as may be necessary to carry out the performance of its functions under IDEA, Part C.
- Pay for accommodations needed for members and participants (e.g., interpreters, Braille).

Except as provided above, Council members shall serve without compensation from funds available under IDEA, Part C.

South Dakota Department of Education
Birth to 3 Connections Program
700 Governors Drive
Pierre, SD 57501
Phone: 605-773-3678

Article VII—General Provisions and Procedures

Section 1. Parliamentary Procedures

- Seven members constitute a quorum.
- Consensus building rather than voting should be encouraged.
- A person attending as a designee has the same voting privileges as the duly-appointed Council member.
- Rules of precedence of motions and other parliamentary procedures not specified herein shall be governed by Robert's Rules of Order.

Section 2. Conflict of Interest

No member of the Council may cast a vote on any matter that would provide direct financial benefit to that member or otherwise give the appearance of a conflict of interest.

Section 3. Amendments

By-laws may be amended by two thirds of the appointed members. Proposed changes to the by-laws must be submitted in writing to the membership a minimum of 20 days prior to the vote.

Section 4. Use of Funds by the Council

The Council may use funds appropriated to the Council as stipulated in the Part C application and budget to do the following activities:

- Conduct hearings and forums.

regardless of whether at-risk infants and toddlers are eligible for early intervention services in South Dakota.

- Advise and assist the Lead Agency in the identification of sources of fiscal and other support for services for early intervention programs.
- Advise and assist the Lead Agency in the promotion of interagency agreements.
- Advise and assist the Lead Agency regarding the transition of toddlers with disabilities to services provided under Part B of the Act, preschool, and other appropriate services.
- Advise and assist the Lead Agency in preparation of an annual report to be submitted to the Governor and to the United States Lead Agency Secretary on the status of the early intervention program operated within the State for children eligible under Part C and their families. Each annual report shall contain the information required by the Secretary for the year for which the report is made in accordance with federal guidelines.

Article III—Members

Section 1. Membership

The membership of the South Dakota Interagency Coordinating Council shall consist of representatives of the public and private sector who by virtue of their position, interest, and training can contribute to the quality of services provided to infants and toddlers with

special needs and their families. Composition of the Council shall be as follows:

- At least 20 percent of the members must be parents, including minority parents, of infants or toddlers with disabilities or children with disabilities aged 12 or younger, with knowledge of, or experience with, programs for infants and toddlers with disabilities. At least one member must be a parent of an infant, toddler or child with a disabilities aged six or younger.
- At least 20 percent of the members must be public or private providers of early intervention services.
- At least one member must be from the State legislature.
- At least one member must be involved in personnel preparation.
- At least one member must be from a Head Start/Early Head Start agency or program in the State.
- At least one member/designee must be from a State agency responsible for child care.
- At least one member/designee must be from each of the State agencies involved in the provision of, or payment for, early intervention services to infants and toddlers with disabilities and their families and have sufficient authority to engage in policy planning and implementation on behalf of these agencies.
- At least one member/designee must be from the agency responsible for the State governance of health insurance.

South Dakota Interagency Coordinating Council. Each committee must consist of at least three Council members and must be chaired by a Council member.

Section 2. Executive Committee

The Executive Committee shall consist of the Lead Agency administrator, the Council Chairperson, the Chairperson-elect, and/or at least one Council member who is a parent. Council members serving on the Executive Committee shall be elected by the South Dakota Interagency Coordinating Council. Functions of the Executive Committee include the following:

- Transact all regular business of the Council during the period between meetings subject to review and change by the Council at its next regular meeting.
- Receive and filter information regarding the South Dakota IDEA Part C system of services and prepare it for Council response.
- Set the framework, calendar, and agenda for the Council.

Section 3. Task Force Groups

- A task force will be a time-limited committee appointed by the Council Chairperson to study/review a specific issue and provide information and a recommendation to the Council.
- Members appointed to the task force may come from outside the Council.
- A task force will be chaired by a Council member.

Chairperson-elect. The Chairperson-elect shall serve on the Executive Committee of the Council.

Section 2. Chairperson

The Chairperson shall preside at all meetings and shall exercise general governance over the Council. The Chairperson shall serve as chair of the Executive Committee of the Council.

Section 3. Term of Office

The term of office for the Chairperson and Chairperson-elect shall be for one calendar year beginning on January 1 ending December 31.

Section 4. Resignation

A resignation shall be submitted to the Lead Agency administrator. In the event the resignation includes both the Chairperson and Chairperson-elect positions and the Council itself, Article III, Section 6 is followed.

Section 5. Vacancy

Upon resignation of the Chairperson, the Chairperson-elect of the Council shall automatically assume the role of Chairperson. The Chairperson-elect shall complete the term of office of the resigned Chairperson and then serve the full year to which elected.

Article VI—Committees

Section 1. Establishing Committees

With the advice of the Lead Agency administrator, the Chairperson may establish committees or task forces as deemed necessary to carry out tasks designated by the

- At least one member/designee must be from the State education agency responsible for preschool services to children with disabilities and have sufficient authority to engage in policy planning and implementation on behalf of that agency.
- The council may include other members selected by the Governor, including a representative from the Bureau of Indian Affairs (BIA) or, where there is not school operated or funded by the BIA, from the Indian Health Service or the tribe or tribal council.

Section 2. Appointment

Members of the South Dakota Interagency Coordinating Council shall be appointed by the Governor. The Governor shall ensure that the membership of the Council reasonably represents the population and demographics of the State.

Section 3. Term of Office

Members shall be appointed for staggered **three-year terms** beginning on January 1 and expiring on December 31. Representative of state agencies shall serve by recommendations of state agency and appointment by the Governor.

Section 4. Attendance

Regular attendance is expected. Council members and designees shall notify the Lead Agency administrator when they are unable to attend a meeting. If a Council member has more than three absences per Council year, the Governor's Office shall be notified and asked to contact the appointee concerning that appointee's

willingness to continue to serve on the State Interagency Coordinating Council. The Council Year shall be from January 1 to December 31 of the following year.

If a designee has more than two consecutive absences, the person who appointed the designee shall be notified.

Section 5. Designees

Only members duly appointed by virtue of their position with a State agency unable to attend a Council meeting may appoint a temporary designee to represent and vote for them at official Council meetings.

Council members, with the exception of those specifically mentioned in the by-laws, may not designate persons to attend meetings or vote on their behalf.

When a duly-appointed State agency member must miss a meeting and wishes to send a temporary designee, they must notify the Birth to 3 Connections staff in the most expedient way possible prior to the meeting stating who will be attending in their place.

Section 6. Resignation

Any member desiring to resign from the Council shall submit his/her resignation to the Governor's Office and send a copy to the Lead Agency and the Council Chairperson.

Section 7. Vacancies

A vacancy in membership shall be filled by the Governor for the unexpired portion of the vacated term.

Article IV—Meetings

Section 1. Number of Meetings

The South Dakota Interagency Coordinating Council shall meet at the call of the Chairperson or the Lead Agency administrator or at the request of at least two thirds of the membership as determined to be necessary but no less than four times per year.

Section 2. Notification of Meeting and Agenda

The Lead Agency administrator shall ensure that a written public notice of each meeting is posted at least two week prior to each meeting. Notice with tentative agenda and minutes of the previous meeting shall be distributed to Council members two weeks prior to the next meeting. The meeting shall be open and accessible to the general public. Public comments at ICC meetings are encouraged.

Interpreters for persons who are deaf and other special accommodations shall be provided at Council meetings for both Council members and participants who give advance notice of their needs to staff of the Council.

Article V—Chairperson

Section 1. Chairperson-elect

The ICC membership shall elect a member of the Council to serve as the Chairperson-elect of the Council during the fourth quarter meeting of each term. In the absence of the Chairperson, the Chairperson-elect shall assume that role. The Chairperson-elect automatically assumes the role of Chairperson at the end of his/her term of office as